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 Attorneys for Defendant,  
*Albertson's LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LINDA SBLENDORIO, individually,	)	
	)	<b>Case No.: 2:23-cv-00917-GMN-VCF</b>
Plaintiff,	)	
vs.	)	<b>STIPULATED DISCOVERY PLAN AND</b>
	)	<b>SCHEDULING ORDER PURSUANT TO</b>
ALBERTSON'S LLC, a Foreign Limited-	)	<b>FRCP 26(f) AND LR 26-1(b)</b>
Liability Company; DOES I-X; inclusive; and	)	
ROE CORPORATIONS I-X, inclusive	)	
	)	
Defendants.	)	

The parties submit the following Stipulated Discovery Plan and Scheduling Order pursuant to LR 26-1(b) and Fed. R. Civ. P. 26(f). Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. F.R.C.P. 26(f) Meeting: Pursuant to F.R.C.P. 26(f), counsel for the parties conferred by telephone to develop a proposed discovery plan on Friday, June 30, 2023. The conference was held by Eric L. Marshall, Esq. of MARSHALL INJURY LAW on behalf of Plaintiff LINDA SBLENDORIO, and Jack P. Burden, Esq. of BACKUS | BURDEN on behalf of Defendant ALBERTSON'S LLC.
2. Pre-Discovery Disclosures: Pursuant to F.R.C.P. 26(a)(1), the parties will make their pre-discovery disclosures, including any and all information required by F.R.C.P. 26(a)(1) on

or before July 14, 2023.

3. Areas of Discovery: The parties agree that the areas of discovery should include, but not be limited to, all claims and defenses allowed pursuant to the Federal Rules of Civil Procedures.
4. Discovery Plan: The parties propose the following discovery plan:
  - a. **Discovery Cut-Off Date [LR 26-1(b)(1)]**: The Defendants filed for removal on June 12, 2023. Pursuant to Plaintiff's claimed extensive damages and medical providers, the parties propose the last day of discovery shall be February 7, 2024, which is calculated as 240 days from the first appearance in Federal Court.
  - b. **Amendment of Pleadings and Adding of Parties [LR 26-1(b)(2)]**: The parties shall have until November 9, 2023, to file any motion to amend the pleadings or to add parties. This is 90 days before the proposed discovery cutoff date.
  - c. **F.R.C.P. 26(a)(2) Disclosures (Experts) [LR 26-1(b)(3)]**: Disclosure of experts shall proceed according to F.R.C.P. 26(a)(2) except that, pursuant to LR 26-1(b)(3): the initial disclosure of experts and expert reports shall occur on December 9, 2023, which is 60 days before the proposed discovery cutoff date; and the disclosure of rebuttal experts shall occur on January 8, 2024, which is 30 days after the initial disclosure of experts.
  - d. **Dispositive Motions [LR 26-1(b)(4)]**: The parties shall have until March 8, 2024 to file dispositive motions, which is 30 days after the proposed discovery cutoff date.
  - e. **Pre-Trial Order [LR 26-1(b)(5)]**: The joint pre-trial order shall be filed by April 8, 2024, which is 30 days after the date set for filing dispositive motions. If a dispositive motion is timely filed, this deadline is suspended until 30 days after decision of the dispositive motion or further order of the Court.

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- f. **Trial Readiness:** The case should be ready for trial by July or August of 2024 and is expected to take approximately 7-10 days.
- g. **Rule 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless otherwise directed by the Court, pretrial disclosures as set out in F.R.C.P. 26(a)(3) and any objections to them shall be included in the joint pretrial order.
- h. **Court Conferences:** If the Court has questions regarding the dates proposed by the parties, the parties request a conference with the Court before entry of the Scheduling Order. If the Court does not have questions, the parties do not request a conference with the Court.
- i. **Extension or Modifications of the Discovery Plan and Scheduling Order:** LR 26-4 governs modifications or extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must be made not later than 21 days before the subject deadline unless good cause exists to request an extension thereafter. Any stipulation or motion to extend the discovery period must be made no later than January 17, 2024, 21 days before the discovery cut-off date unless good cause exists to request an extension thereafter.
- j. **Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery issues pertaining to the format of discovery at the FRCP 26(f) conference. The parties do not anticipate discovery of native files or metadata at this time, but each party reserves the right to make a showing for the need of such electronic data as discovery progresses.

- 5. Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]: The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes,

including mediation, arbitration, and if applicable, early neutral evaluation.

6. Alternative Forms of Case Disposition [LR 26-1 (b)(8)]: The parties certify that they considered consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01).
7. Electronic Evidence [LR 26-1 (b)(9)]: The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties may present evidence in electronic format to jurors for the purposes of jury deliberations in compliance with the court's electronic jury evidence display system.
8. Review of Local Rule 26-1(b): The parties certify that they have read the text of Local Rule 26-1(b), effective as amended April 17, 2020.

Dated this 17th day of July, 2023

Dated this 17<sup>th</sup> day of July, 2023

MARSHALL INJURY LAW

BACKUS | BURDEN

/s/ ric Marshall

/s/ Jack P. Burden

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*Attorneys for Defendant*

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 7-18-2023

BACKUS | BURDEN  
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**CERTIFICATE OF SERVICE**

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 South Durango Drive, Las Vegas, Nevada, 89117.

On \_\_\_\_\_, 2023, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

**VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

**VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

**BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

**BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

**CM/ECF ELECTRONIC MEANS:** by electronically filing and serving with the court's vendor.

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Eric Marshall, Esq. Nevada Bar No. 8847 MARSHALL INJURY LAW 3333 East Serene Avenue, Suite 120 Henderson, Nevada 89074 Telephone: (702) 489-5700 Facsimile: (702) 446-0092	Plaintiff	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> <b>CM/ECF Means</b>

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
/s/ Anne Raymundo  
An employee of BACKUS | BURDEN

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